

REMARKS/ARGUMENTS

Claims 7, 8, 11-32 and 58-64 are pending herein. New dependent claim 64 has been added as supported by page 11, lines 17-24 of the specification, for example.

1. Claims 7, 8, 11, 14, 16-19, 21, 22, 26-32 and 59 were rejected under §103(a) over Brennan [sic, in view of Sluka]. This rejection is respectfully traversed.

Claim 7 recites a method for producing a biochip comprising the steps of, among others, supplying a solution containing no capture in accordance with an ink-jet system separately from and in the same location as each of the solution samples.

Applicants respectfully submit that while the present invention utilizes a plurality of different solution samples, each containing a capture (binding matrix), a common solution containing no capture is also used. Applicants respectfully submit that both the solution containing no capture and the solution samples are applied using ink-jet printing to reinforce the bond created between the two solutions and to reduce background noise between other spots.

The Examiner correctly asserts that Brennan fails to disclose a process for supplying a solution containing no capture in accordance with an ink-jet system. For the disclosure of this feature, the Examiner attempts to use Sluka.

Applicants respectfully submit that one skilled in the art would not have been motivated to combine the disclosures of Brennan and Sluka. Brennan discloses, in column 5, lines 11-30, that the surface of a glass substrate is treated in a manner that produces all of the spotting locations with an identical substance containing no capture (i.e., the spotting locations do not contain substances containing no capture that differ in any way, as they are all applied concurrently). Sluka discloses, in column 10, lines 40-51, that ink-jet printing is to be used in situations where the binding matrices of the individual zones are intended to be different or where dilution of the binding matrices has different degrees in the individual reaction solutions that are applied to different spot locations. Sluka discloses, in column 10, lines 36-40, that the general immersion method is to be used in cases where the solution containing no capture is intended to

be the same across the zones or spots of the compartmented binding matrix. In other words, Sluka only discloses the use of an ink-jet printing method for the deposition of solution containing no capture only when the solution containing no capture differs across the surface of the biochip. In the event where all of the solutions containing no capture are the same, as in Brennan, Sluka maintains that the immersion method, as disclosed in Brennan, is the most appropriate method. One skilled in the art would have clearly been motivated to use the immersion method, as disclosed in Brennan and as suggested by Sluka, because both Brennan and Sluka fail to disclose any benefits to applying the solution containing no capture using ink-jet printing.

For at least the foregoing reasons, a method for producing a biochip comprising the step of, among others, supplying a solution containing no capture in accordance with an ink-jet system, as recited in claim 7, would not have been obvious to one skilled in the art given the disclosures of Brennan and Sluka. Since claims 8, 11, 14, 16-19, 21, 22, 26-32 and 59 depend either directly or indirectly from claim 7, those claims are also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

2. Claims 23 and 25 were rejected under §103(a) over Brennan [sic, and Sluka] in view of Okamoto. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Okamoto does not overcome the deficiencies of Brennan, and since claims 23 and 25 depend indirectly from claim 7, those claims are also believed to be allowable over the applied prior art.

3. Claims 12, 13 and 15 were rejected under §103(a) over Brennan [sic, and Sluka] in view of Borrelli. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Borrelli does not overcome the deficiencies of Brennan, and since claims 12, 13 and 15 depend indirectly from claim 7, those claims are also believed to be allowable over the applied prior art.

4. Claim 20 was rejected under §103(a) over Brennan [sic, and Sluka] in view of Hammond. Applicants respectfully submit that the arguments submitted above

distinguish claim 7 from Brennan. Since Hammond does not overcome the deficiencies of Brennan, and since claim 20 depends indirectly from claim 7, claim 20 is also believed to be allowable over the applied prior art.

5. Claim 24 was rejected under §103(a) over Brennan [sic, and Sluka] in view of Dattagupta. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Dattagupta does not overcome the deficiencies of Brennan, and since claim 24 depends indirectly from claim 7, claim 24 is also believed to be allowable over the applied prior art.

6. Claim 58 was rejected under §103(a) over Brennan [sic, and Sluka] in view of Balint, Jr. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Balint, Jr. does not overcome the deficiencies of Brennan, and since claim 58 depends indirectly from claim 7, claim 58 is also believed to be allowable over the applied prior art.

7. Claim 60 was rejected under §103(a) over Brennan [sic, and Sluka] in view of Sakamoto. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Sakamoto does not overcome the deficiencies of Brennan, and since claim 60 depends indirectly from claim 7, claim 60 is also believed to be allowable over the applied prior art.

8. Claim 61 was rejected under §103(a) over Brennan [sic, and Sluka] in view of Schwartz. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Schwartz does not overcome the deficiencies of Brennan, and since claim 61 depends indirectly from claim 7, claim 61 is also believed to be allowable over the applied prior art.

9. Claim 62 was rejected under §103(a) over Brennan [sic, and Sluka] in view of Wei. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Wei does not overcome the deficiencies of Brennan, and

since claim 62 depends indirectly from claim 7, claim 62 is also believed to be allowable over the applied prior art.

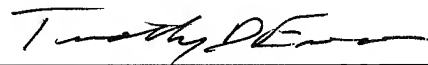
10. Claim 63 was rejected under §103(a) over Brennan [sic, and Sluka] in view of Lopez. Applicants respectfully submit that the arguments submitted above distinguish claim 7 from Brennan. Since Lopez does not overcome the deficiencies of Brennan, and since claim 63 depends indirectly from claim 7, claim 63 is also believed to be allowable over the applied prior art.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

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Date



Stephen P. Burr
Reg. No. 32,970

Timothy D. Evans
Reg. No. 50,797

SPB/TE/tlp

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320